

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

THE ART MUSEUM SUBDISTRICT OF)
THE METROPOLITAN ZOOLOGICAL)
PARK AND MUSEUM DISTRICT OF)
THE CITY OF SAINT LOUIS AND THE)
COUNTY OF SAINT LOUIS,)

Plaintiff,)

v.)

Case No. 4:11-cv-00291 HEA

THE UNITED STATES OF AMERICA,)
JANET NAPOLITANO, and ERIC H.)
HOLDER,)

Defendants.)

THE PARTIES' STATUS REPORT

COME NOW Plaintiff, The Art Museum Subdistrict of the Metropolitan Zoological Park and Museum District of the City of Saint Louis and the County of Saint Louis, and Defendants, the United States of America, Janet Napolitano, and Eric H. Holder, by and through their undersigned attorneys, and for their response to the Court's order of February 18, 2014, hereby respectfully state as follows:

1. In brief, the parties request that the instant declaratory judgment action remain stayed pending the resolution of the appeal in *United States v. Mask of Ka-nefer-nefer*, Case No. 4:11-cv-504 HEA ("the Civil Forfeiture Case" or "CFC"), the civil forfeiture action pursuant to which the instant declaratory judgment action was stayed. The forfeiture case has been fully briefed before the Eighth Circuit Court of Appeals, which heard oral argument on January 13, 2014. As the Eighth Circuit's ruling may have implications in this case, once the opinion is

issued, the parties will provide the Court with an additional status update to advise the Court as to the implications of that ruling for the instant action.

PROCEDURAL BACKGROUND

2. On February 15, 2011, Plaintiff filed this case seeking a declaration of rights with respect to the Mask of Ka-nefer-nefer, a certain Egyptian mask that was then and is presently in the possession of Plaintiff (the “Mask”).

3. On March 16, 2011, the United States filed the Civil Forfeiture Case.

4. Upon the Defendants’ Motion in this case, the Court issued an Order on March 31, 2012 directing that this case be stayed “pending the outcome of the civil forfeiture action” (Doc. #17).

5. Also on March 31, 2012, this Court granted Plaintiff’s Motion to Dismiss the Verified Complaint in the Civil Forfeiture Case (CFC Doc. ## 33, 34) (the “Dismissal Order”).

6. On June 1, 2012, the Court issued an Order denying the United States’ Motion to Reconsider the Dismissal Order (CFC Doc. #48), and on June 28, 2012, the Court denied the United States’ Motion for Leave to Amend (Doc. #54).

7. On June 29, 2012, the United States filed its Notice of Appeal in the Civil Forfeiture Case (CFC Doc. #55), which was thereafter assigned Eighth Circuit Court of Appeals Case No. 12-2578. Briefing was completed on August 9, 2013 and oral argument was heard on January 13, 2014.

8. This Court’s March 31, 2012 Order states that the instant action should be stayed “pending the outcome of the civil forfeiture action” (Doc. #17). As the outcome of that action will not be certain until after the Eighth Circuit has issued its ruling in the appeal, the parties respectfully submit that the instant action should remain stayed at least until the Eighth Circuit

has ruled, at which time the parties shall submit a status report to advise the Court as to the implications of that ruling for the instant action.

WHEREFORE the parties respectfully request that the instant action remain stayed pending the outcome of the Civil Forfeiture Case, and for such other and further relief as the Court deems just and proper.

Dated: February 28, 2014

Respectfully submitted,

/s/ Patrick A. McInerney

Patrick A. McInerney, #37638 MO
Dentons US LLP
4520 Main Street, Suite 1100
Kansas City, MO 64111
Telephone: (816)246-2467
Facsimile: (816)531-7545
patrick.mcinerney@dentons.com

McClain Elizabeth Bryant
Husch Blackwell, LLP
750 17th Street, NW, Suite 900
Washington, DC 20006
mcclain.bryant@huschblackwell.com

RICHARD E. FINNERAN, #60768 MO
DIANNA R. COLLINS, #59641MO
Assistant United States Attorneys
111 South 10th Street, Suite 20.333
Saint Louis, Missouri 63102
Telephone: (314) 539-2200
Facsimile: (314) 539-2287
dianna.collins@usdoj.gov
richard.finneran@usdoj.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 28, 2014, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Courts electronic filing system upon all counsel of record.

/s/ Patrick A. McInerney

PATRICK A. McINERNEY, #37638